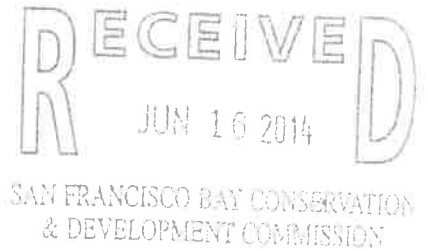


**LAW OFFICES OF
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June 13, 2014

Ande Bennett
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

VIA FACSIMILE (415=352-3606) and Overnight Mail

Re: Heron Bay HOA: Re: Proposed Construction of Access Gates at Bayfront Drive
And Required Shoreline Access from Lewelling Blvd, in the City of San Leandro
(BCDC Permit No. 1992.057 and Environmental File No. ER2014.015)

Dear Ms. Bennett;

This is to inform you that I am the attorney for the Heron Bay Homeowners Association. The Board of Directors has asked me to respond to your letter of June 12, 2014. I am in receipt of earlier communications that you have had with the association regarding the above-proposed application.

I wanted to thank you for outlining in a timely fashion BCDC's current issues regarding the proposed entry gate. As you are aware, the HOA is proposing the gate because of an alarming increase in crime in the area including a recent homicide and a strong-armed robbery (June 7, 2014). This letter is designed to address your immediate concerns with the entry gate application and is not to be considered an application for a change in permit status based on the increased in crime statistics in the immediate area.

As you know the association currently has a permit application that will be heard on June 19, 2014. We fear that the City of San Leandro will use BCDC's current objections to deny our application. We hope by this letter to convince BCDC to modify their position and allow the approval of the proposed entry gate. This is a matter of great concern to the residents of Heron Bay, as they feel increasingly threatened in their own neighborhood.

Let us first state that by this correspondence, Heron Bay Homeowners Association agrees that they are the successor in interest to the permit granted to Citation Homes, the original applicant. We did want to make it perfectly clear that until the HOA received your earlier letter, that they had no idea that Citation had failed to prepare and file the legal instrument to guarantee the public access. The association accepts this responsibility and

thanks you for your reference to the proper filing materials. We will work with your office and will have this resolved and filed long before the deadline dates that you have established. However, as my client had no responsibility for this prior omission, we would suggest that this future filing should not be cause for BCDC to object to the pending gate application. We will complete the legal requirements for public access and we would point out that the Tract Map 6810, which was prepared in 1996/1997 also records the requirement for public access. The association has always recognized this obligation and has protected it on behalf of all members of the public.

This correspondence will also inform you that the Board of Directors met on June 11, 2014 and voted unanimously to amend their application to state that the pedestrian gate will remain open 24/7. It will not be locked at any time and will be available for public access at all times. As you stated in your earlier correspondence, the association will apply for an amendment to the permit if they feel at a later time that the factual situation would suggest that the gate be locked at night. However, the association has no intention to do so at this time. The fact that the gate will now remain open at all times for public access should alleviate your earlier concern.

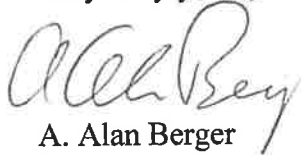
We disagree that the placement of the gate, and the corresponding opening width of the gate, violates the language of the permit. The Tract Map, which obviously incorporated the requirements of the 1994 permit for public access, notwithstanding the fact that the legal document BCDC requires was not completed by Citation, shows the public access and the 8' wide and 12' wide spaces to which you refer to commence on the Westerly portion of the existing circle (please recall that the land comprising the circle is actually owned by the City of San Leandro). The gate allows full access to all width requirements as soon as a member of the public passes through the gate onto Heron Bay property. What public access could possibly be hampered by the presence of a 4' wide gate opening? There is no bicycle, skateboard or, hopefully, person who could not easily pass thorough a space of this size. We ask you to again recall that the permit did not call for vehicular access and nothing on the permit speaks of vehicle access. In fact the Tract map clearly states that vehicular access to the private streets, owned by Heron Bay Homeowners Association, is subject to the permission of the owner. The streets that are found on the westerly side of the proposed gate are private and do not provide public access or provide for public parking. The association will and has always towed non-resident vehicles that park in this area. Therefore, we fail to see how the BCDC can logically raise the width of the gate as a legitimate objection to the application when said gate obviously allows for full public access other than vehicular.

As stated above the installation of these gates are of great concern to the residents of Heron Bay. Based on current events they literally fear for their lives on their own property and this is truly a sad state of affairs. The association will continue to work with BCDC to insure full public access as originally specified. The association has never undertaken any action to deny full public access and they will continue to religiously protect this right. They do not, however, feel that the installation of the proposed gates will in any way affect legitimate public access. We ask the BCDC, in light of the above concessions, to rethink its position and to inform the City of San Leandro and the

appropriate authorities that it has no objection to the proposal conditioned upon the association completing the guarantee documents in a timely fashion.

Thank you for your attention to this matter and your anticipated cooperation. If you have any questions, please feel free to call the undersigned at any time.

Very truly yours,

A handwritten signature in cursive script, appearing to read "A. Alan Berger".

A. Alan Berger

Cc: Client
AAB/ceb